

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1420 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ZIL FABRICS

Versus

DEPUTY ENGINEER

Appearance:

MR PB MAJMUDAR for Petitioner

MR MD PANDYA for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 11/03/98

ORAL JUDGEMENT

RULE.

The parties have arrived at the following
consensus:

1. The petitioner unconditionally withdraws
all his claims and contentions raised in

RCS Suit pending before the learned 2nd Joint Civil Judge (JD), Surat as also in this Civil Revision Application and agrees and undertakes to act and abide as per these directions.

2. The petitioner shall within 15 days hereof makes representation to the competent authority of the respondent Board seeking for a downward revision of the two supplementary bills disputed by the petitioner and produce the necessary documents in support of the request for downward revision and shall abide any such determination, which shall be final and binding.
3. Pending consideration of the representation the petitioner shall make payment of the two supplementary bills together with delayed payment charges, subject to final decision of the competent authority upon the representation, as per the following time schedule:
 - (i) Petitioner shall pay a sum of Rs. 4 lacs together with delayed payment charges by 5 equal monthly instalments, the first instalment shall be paid on or before 25.3.98 and subsequent instalments together with delayed payment charges shall be paid on or before 1st of every subsequent English Calendar month commencing from 1st May, 1998.
 - (ii) The balance amount together with delayed payment charges shall be paid within such time and such instalment as may be determined by the competent authority as per the decision upon the representation made as per these directions.
 - (iii) In the event of the competent authority downward revising the bill and lesser sum, then that bill is required to be repaid by the petitioner and the petitioner would be liable to pay only such balance sum together with delayed payment charges and in the event of the

petitioner is required to make payment of lesser sum that already paid towards the supplementary bills as per these directions, the petitioner would be given credit for sum over paid in succeeding bills.

4. The petitioner shall pay up all the other arrears of consumption charges with delayed payment charges in arrears if any well before the above date and continue to pay the current consumption charges and abide by the conditions of supply.
5. Petitioner shall not transfer his interest in and possession of the premises and the fixed assets of petitioners undertaking in any manner in favour of any one till the petitioner fully discharge liability towards the respondent board as per these directions.
6. In the event of the petitioner's failure to comply with any of the directions of this order, the power supply shall be liable to be disconnected without further notice.

In view of the aforesaid consensus arrived at, the petitioner seeks permission to unconditionally withdraw RCS No.934/95 pending in the Court of Civil Judge (JD), Surat. Leave granted. RCS No.934/95 shall stand disposed of as withdrawn. The petitioner shall file undertaking to this Court to abide by the directions contained in this order within a period of two weeks. Rule made absolute to the aforesaid extent.

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msp.